REMARKS:

Claims 1-45 remain pending.

In the Office Action[1], the Examiner rejected claims 1-45 under 35 U.S.C.

§ 102(b) as being anticipated by Ezaki et al. (U.S. Patent No. 5,822,425) ("Ezaki").

Applicant respectfully traverses the Examiner's rejection of claims 1-45 as

anticipated by Ezaki. In order to properly establish that Ezaki anticipates Applicant's

claimed invention under 35 U.S.C. § 102, each and every element of each of the claims

in issue must be found, either expressly described or under principles of inherency, in

that single reference. Furthermore, "[t]he identical invention must be shown in as

complete detail as is contained in the . . . claim." *See* M.P.E.P. § 2131, quoting

Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed.

Cir. 1989). Regarding the 35 U.S.C. § 102(b) rejection, Ezaki does not disclose each

and every element of Applicant's claimed invention.

Independent claim 1, for example, is not anticipated by Ezaki because the

reference at least fails to disclose the step of "*selecting* a parameter associated with an

error check code *depending upon the detected type* of the additional information"

(emphasis added).

The Examiner alleges that Ezaki "describes the parameter associated with an

error check code that is detected type of additional information." Office Action at 2. The

cited portion of Ezaki, however, discloses the insertion of a "check sum for detecting an

error of the XDS data sequence." Ezaki col. 5, lines 51-65. The check sum is not

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[1] The Office Action contains statements characterizing the related art and the claims. Regardless of
whether any such statements are specifically identified herein, Applicants decline to automatically
subscribe to any statements in the Office Action.

selected, but is automatically appended to the data sequence whenever the end code (0Fh) is added. Ezaki col. 6, lines 39-42 and 49-52. Thus, Ezaki teaches appending an error detecting check sum to the data sequence, but it does not disclose a process of "*selecting* a parameter associated with an error check code *depending upon the detected type* of the additional information," (emphasis added), as recited in claim 1.

Moreover, Applicant notes that claim 1 is not limited to just "[detecting the] type of the additional information," but further requires "*selecting* a parameter associated with an error check code *depending upon the detected type* of the additional information," (emphasis added). The Office Action does not address the claimed "*selecting* a parameter . . . *depending upon the detected type* of the additional information," and Ezaki is silent as to such claimed selecting. Thus, claim 1 is allowable for these additional reasons and claims 2-8 are allowable at least due to their depending from claim 1.

Independent claims 9, 17, and 25, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over Ezaki for at least the same reasons discussed above in regard to claim 1. Moreover, claims 10-16, 18-24, and 26-32 are also allowable at least due to their depending from claims 9, 17, and 25 respectively.

Independent claim 33, for example, is also not anticipated because Ezaki fails to disclose an apparatus "wherein [the] error check code generator *switches* a parameter used in generation of the error check code *depending upon the type* of the additional information," (emphasis added), as recited in claim 33. The Examiner relies on col. 13, line 1-31 allegedly for teaching "the generation of the gate pulse which corresponds to

the horizontal synchronous signal and thereby generates the error check code." Office

Action at 8. The cited portion of Ezaki, however, discloses a "gate pulse generating

circuit 89 [that] receives the horizontal synchronous signal HD . . . and generates a gate

pulse" that ultimately leads to the insertion of the XDS data sequence with a check sum

automatically appended to the end. Ezaki col. 13, lines 7-9, see also Fig. 4 and col. 5,

lines 50-65. To the extent the Examiner alleges that the horizontal synchronous signal

HD in Ezaki corresponds to the claimed parameter (and Applicant does not agree that it

does), Applicant notes that Ezaki fails to disclose gate pulse generating circuit 89

switching to receive other signals, for example. Thus, Ezaki fails to teach the claimed

"error check code generator [which] *switches* a parameter," as recited in claim 33.

Moreover, Ezaki certainly fails to teach the claimed "error check code generator [which]

switches a parameter ... *depending on the type of additional information*," as further

recited in claim 33. Applicant also respectfully notes that the Office Action does not

even allege that any portion of Ezaki teaches switching of a parameter "depending on

the type of additional information." Claim 33 is thus allowable over the applied

reference at least for these reasons, and, in a similar fashion, independent claims 34-39

are allowable over Ezaki at least for the reasons discussed above in regard to claim 33.

Finally, claims 40-45 are allowable at least due to their dependence from claim 39.
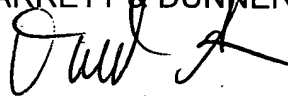
Conclusion:

Applicant respectfully requests reconsideration of the application and withdrawal

of the above detailed rejections. Applicant submits that pending claims 1-45 are in

condition for allowance, and Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 9, 2005   By: Reg. No. 34,731

forRichard V. Burgujian
Reg. No. 31,744